

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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103 CENTRAL PARK WEST CORP.,	:	
	:	
Petitioner,	:	21-CV-9255 (JMF)
	:	
-v-	:	<u>MEMORANDUM</u>
	:	<u>OPINION AND ORDER</u>
SERVICE EMPLOYEES INTERNATIONAL UNION,	:	
LOCAL 32BJ, and REALTY ADVISORY BOARD ON	:	
LABOR RELATIONS,	:	
	:	
Respondents.	:	
	:	
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JESSE M. FURMAN, United States District Judge:

On November 9, 2021, Petitioner filed a Petition to Confirm Arbitration (albeit styled as a complaint). *See* ECF No. 1. On November 10, 2021, the Court set a briefing schedule for Petitioner’s submission of any additional materials in support of the Petition, Respondents’ opposition, and Petitioner’s reply. *See* ECF No. 9. Petitioner served Respondents with the Petition, supporting materials, and the briefing schedule. *See* ECF No. 13. Pursuant to the briefing schedule, Respondents’ opposition was due no later than December 7, 2021. *See* ECF No. 9. To date, Respondents have not opposed the Petition. Additionally, on December 23, 2021, Petitioner filed a letter with the Court indicating that Respondents “do not oppose the relief sought by Petitioner” and “consent to the admission into evidence of the facts submitted in support of Petitioner’s application to confirm the Award at issue in this matter.” ECF No. 15.


The Court must treat the Petition, even though unopposed, “as akin to a motion for summary judgment based on the movant’s submissions.” *Trs. for Mason Tenders Dist. Council Welfare Fund, Pension Fund, Annuity Fund & Training Program Fund v. Capstone Constr.*

Corp., 11-CV-1715 (JMF), 2013 WL 1703578, at *2 (S.D.N.Y. Apr. 19, 2013) (discussing in depth the legal standards for resolving unopposed petitions to confirm arbitration awards). After reviewing the petition and the supporting materials, the Court finds that there is no genuine issue of material fact precluding summary judgment as to all portions of the Award, as the Arbitrator's decision provides more than "a barely colorable justification for the outcome reached." *Id.* at *3 (internal quotation marks omitted). Nor is there any justification under Section 10(a) of the Federal Arbitration Act for vacating the Award.

Accordingly, the Court grants Petitioner's unopposed petition to confirm the entire Award. Petitioner is directed to file an updated Proposed Judgment, reflecting Respondents' failure to oppose, electronically, using the ECF Filing Event "Proposed Judgment," by no later than **January 12, 2022**.

SO ORDERED.

Dated: January 5, 2022
New York, New York



JESSE M. FURMAN
United States District Judge